

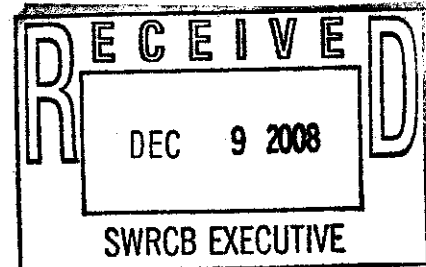


THE CITY OF SAN DIEGO

Public Comment  
Policy on SEP & CAA  
Deadline: 12/15/08 by 12 noon

December 9, 2008

Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



Subject: City of San Diego Comments Letter – Policies on SEPs and Use of the CAA for  
Regional Water Quality Improvements Projects

Dear Ms. Townsend:

The City of San Diego, Storm Water Department, is pleased to provide the State Water Resources Control Board (State Board) with the following comments regarding policies on Supplemental and Environmental Projects and Use of the Cleanup and Abatement Account for Regional Water Quality Improvements Projects.

Cleanup and Abatement Account (CAA)

The City of San Diego supports a greater return of funds to each Regional Board from the fines they collect. This proposed process appears to provide for more local projects to occur. It is unclear in the document what situations qualify as an emergency and how that would affect the distribution of funds to the Regional Boards. Additionally, the Department of Finance Assistance tracking and oversight of each project appears to be very similar to the grant oversight process. This process needs to be clearly defined and provided to all Regional Boards prior to the disbursement of any funds. This clear definition of the process will provide guidance so that project management tasks and can be included in the work plan, budget and scope of work, as outlined.

Supplemental and Environmental Projects (SEP)

Section B.1 states that Third-party entities that perform a SEP must be independent of both the discharger and the Water Board to avoid any actual or apparent conflict of interest. This appears to conflict with the requirements in Section G. If the third-party is independent, then they should be responsible to complete and submit all reports and documents directly to the Water Board while providing copies to the discharger. Section G, last paragraph holds the discharger responsible when the "independent" third-party does not meet with the mandated schedule. Section H.2 requires the "independent" third-party to provide written acknowledgement that they will spend in accordance with the terms of the order and agree to an audit; however, this condition does not require them to comply with the agreed upon schedule. Our concern is how



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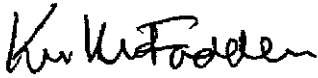
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can the discharger be held responsible when the third-party is "independent" as mandated by Section B.1? We recommend that Section B.1 be modified to allow for the discharger to have some control over the third-party to ensure that tasks are completed on budget and on schedule.

Section H.1 requires that the discharger pay for the Water Board's oversight costs and the final, certified post-project accounting. It is proposed that these costs will not to be included in the SEP amount. Many times these costs are paid for with the public's taxes or fees and must be accounted for to the citizens. We recommend that these costs be included in the final total SEP costs for documentation purposes.

Your consideration and approval of our recommendations and requests is greatly appreciated. If you have any questions, please contact me at 858/541-4320 or Ruth Kolb at 858/541-4328.

Sincerely,



Kris McFadden  
Deputy Director

cc: File  
Tony Heinrichs  
Ruth Kolb